



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

STRAUB & POKOTYLO  
620 TINTON AVENUE  
BLDG. B, 2ND FLOOR  
TINTON FALLS NJ 07724

**COPY MAILED**

**DEC 14 2006**

**OFFICE OF PETITIONS**

In re Application of  
Henry Bertoni et al.  
Application No. 10/780,139  
Filed: February 17, 2004  
Attorney Docket No. Poly-31

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)<sup>1</sup>, filed May 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on February 3, 2006, for failure to timely file a reply to the final Office action mailed November 2, 2005, which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed May 15, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750.00; and (3) an adequate statement of unintentional delay.

The Examiner has determined that the amendment filed with the present petition is

---

<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

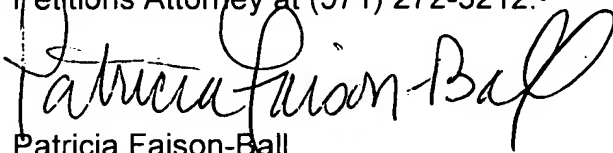
(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

acceptable. The matter therefore is being referred to Technology Center 3662.

Telephone inquiries concerning this matter may be directed to the undersigned  
Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions